

REMARKS

This communication is considered fully responsive to the Office action mailed April 6, 2005. Claims 1-20 were examined and stand rejected. Claims 1, 5, 12, 17 and 18 are hereby amended. No claims are cancelled or added. Respectfully requested are reexamination and reconsideration of claims 1-20.

Applicant notes that as no claims are added, no fee is currently due.

Claim Rejections – 35 U.S.C. §112

Claim 12 stands rejected under 35 U.S.C. §112, second paragraph, as being purportedly “failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.”

Applicant has amended claim 12 to include the suggestion of the Examiner, thus this objection/rejection has been obviated/traversed and can be withdrawn. Action to this end is respectfully requested.

Claim Rejections – 35 U.S.C. §102

Claims 1-4 and 6-15 stand rejected under 35 U.S.C. §102(b) as being purportedly unpatentable over the U.S. Patent, No. 102,471, to Avery (hereafter “Avery”). The Applicant respectfully traverses the rejections.

Independent claim 1 as hereby amended recites a “mechanism rigidly connected to the lid and disposed to engage in movable contact with the support member, ... whereby the mechanism creates a camming effect in its movable contact with said support member to cammingly move the support member.” Avery has a non-rigid link F and no camming effect. Thus, Avery does not anticipate independent claim 1, nor any of the claims dependent therefrom. Claims 1-4 and 6-15 are therefore novel and unanticipated by Avery. The rejections thereof on these grounds are obviated and/or traversed and can be withdrawn. Early action to this end is respectfully requested.

Claim Rejections – 35 U.S.C. §103

Claims 17-20 stand rejected under 35 U.S.C. §103(a) as being purportedly unpatentable over the U.S. Patent, No. 102,471, to Avery (hereafter “Avery”) in view of de la Rocha, U.S. Patent No. 5,330,056 (hereafter “de la Rocha”).

Claim 5 stands rejected under 35 USC 103(a) over Avery in view of Noble U.S. Patent No. 1,685,768 (hereafter “Noble”).

The Applicant respectfully traverses the rejections.

As for independent claim 1, claims 17 and 18 have been amended hereby recites a “a rigid camming means/member on the closing means/lid, the rigid camming means/member creating a camming effect in its movable contact with said support means/member to cammingly move the support means/member.” Avery has a non-rigid link F and no camming effect. Thus, Avery does not anticipate nor suggest these limitations of independent claims 17 and 18, nor of any of the claims dependent therefrom. De la Rocha does not cure this failure. De la Rocha teaches a non-rigid ribbon for lifting a support means, the ribbon having nothing to do with the opening of the lid. Thus, there is no suggestion for combination of de la Rocha with Avery, and even if, *arguendo*, there were sufficient suggestion for the combination, such a combination fails utterly to have all of the elements of Applicant’s claims. This remains true regardless de la Rocha’s teachings about cotton swabs. Thus, Applicant’s claims are non-obvious over Avery in view of de la Rocha, the rejections thereof rendered obviated and/or traversed. The rejections should therefore be withdrawn. Action to this end is respectfully requested.

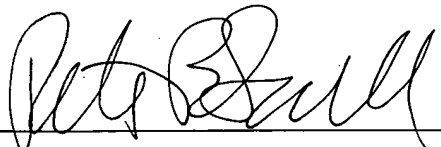
Claim 5 has been amended substantially such that the combination of Avery and Noble is no longer applicable thereto. This rejection has thus been obviated/traversed so that it can also be removed. Action to this end is respectfully requested.

Applicant notes that the subject matter of the former claim 5 has now been incorporated into claim 1, and claim 1 is also non-obvious over Avery and Noble. Again, claim 1 recites “a mechanism rigidly connected to the lid and disposed to engage in movable contact with the support member.” Neither Avery nor Noble have such a mechanism. Again, the Avery mechanism F is hingedly attached to the lid, and the Noble mechanism 9, though rigidly connected to the lid 8 thereof, is nonetheless not connected in “movable contact” with the lifting support member 4. Rather, the Noble mechanism 9 is hingedly attached to the lift member 4. Movable contact is not hinged contact. This point is emphasized by the “camming effect” verbiage of present claim 1. A camming effect is a sliding contact of two parts, one or both of which may be rotating. In Applicant’s case, the mechanism is in sliding camming/movable contact with the support member. In Noble, the mechanism is hingedly connected to the support member, no sliding, no camming, no moving (indeed, the Noble mechanism may slide against the outer housing, but this is not what is claimed here). Claim 1 is thus non-obvious over Avery in view of Noble; no rejection hereon is warranted.

The Applicant respectfully requests entry of the amendments hereof and reconsideration of the outstanding objections and/or rejections and issuance of a notice of allowance for claims 1-20 in this matter.

Respectfully Submitted,

Dated: July 6, 2005

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